



Planning & Economic Development Department
100 Hughes Road
Madison, Alabama 35758

Zoning Board of Adjustment & Appeals

January 2, 2015

To: Mrs. Betty Fletcher, Chair, and Members of the Zoning Board of Adjustment and Appeals

Case Number: 1106

Location of Subject Property

The subject property is an undeveloped lot consisting of 1.98 acres, located on the north side of Madison Boulevard, west of Jetplex Lane and east of Jetplex Circle, currently known as *Tract 1, Twin City Subdivision 2nd Addition, a Resub of a portion of Block 1 of Putman's Industrial Park*. A street address will be assigned to the property at the time of development.

Background

The subject property is located in the Restricted Industrial (M-1) zoning district as are the properties immediately adjacent to the east, west, and north. The property to the south is located in the City of Huntsville. *City of Madison Zoning Ordinance, Section 4-9-2(2), Special Exceptions in the M-1 District*, includes "motorized vehicle service, mechanical or body repair" shops, as uses requiring a Special Exception permit.

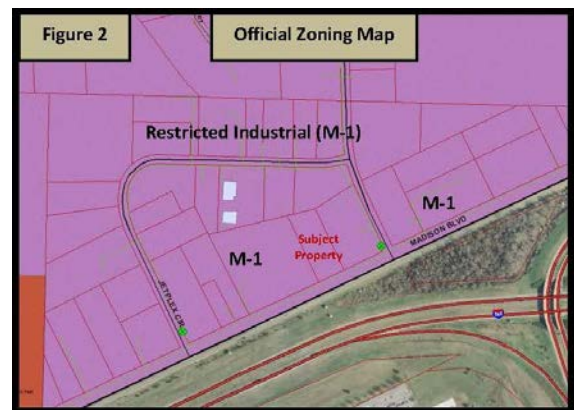
Applicant's Request

The applicant wishes to develop the subject property and build a *Joe Hudson's Collision Center* location. The applicant currently operates 23 centers in the southeast, including locations in Huntsville and Decatur.

ZBA Review Criteria & Staff Analysis

In order for the Zoning Board of Adjustment and Appeals to grant a Special Exception, the applicant must demonstrate the request satisfies the additional provisions found in *Section 10-4-3, City of Madison Zoning Ordinance*.

Section 10-4-3, Procedures for Application for Special Exception, charges staff with reviewing all portions of the application and producing a report, including an analysis of the proposal and recommendations for



consideration by the Board of Adjustment. Therefore, staff has provided suggested findings (in italics) for each criteria, to be reviewed and accepted, modified, or rejected by the Zoning Board after public comment and hearing directly from the applicant.

1. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.

Section 4-9 of the Zoning Ordinance states the M-1 District is intended to provide an environment exclusively for, and conducive to, the development and protection of office buildings, research facilities, specialized manufacturing plants, wholesale and warehouse activities that are conducted so the noise, odor, smoke, dust, vibration, heat, and glare of each operation is completely confined within an enclosed building. The general character of the west end of Madison Boulevard is industrial. A motor vehicle body repair shop should not negatively influence the overall feel and purpose of the district.

2. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

Based on information provided by the applicant, including photographs of buildings and facilities that currently exist in other cities, a Joe Hudson's Collision Center would not adversely affect the character of the area.

In order to develop the subject property, applicant must submit a plan for site development, including details for parking, ingress/egress, lighting, landscaping, signage, and architectural detail. The City's Technical Review Committee will ensure the site and facility are compliant with requirements found in the City of Madison Zoning Ordinance, as well as applicable building and fire codes.



3. The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness, and commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this

Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

Madison Utilities, Huntsville Utilities, and North Alabama Gas serve the site. The Technical Review Committee will ensure the proposed use does not impose an undue burden on existing utilities.

4. The Board of Adjustment may attach recommendations for Special Exception approval, additional criteria dealing with buffer yards, parking, lighting, building materials, signage, or any other aspect of site plan approval necessary to mitigate the impact of the proposed Special Exception on the surrounding property. All conditions imposed upon any Special Exception permit approval, except those, which are otherwise stated in this Ordinance, shall be expressly set forth in the order granting such Special Exception permits. Unless and until prescribed conditions are met, no Zoning Compliance, Certificate of Occupancy or Business License shall be granted for the applicant for the Special Exception at the property.

The general character of the site and adjacent properties is industrial. Planning Staff does not believe a collision repair/vehicle body repair shop at the subject location will negatively influence the overall feel and purpose of the district.

5. The application shall be denied if the Zoning Board of Adjustment finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Board of Adjustments, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.

Planning Staff does not believe a collision repair/vehicle body repair shop at the subject location will adversely affect overall public health, safety, and welfare.

Staff Recommendation

Staff recommends approval of the requested Special Exception, as defined in *City of Madison Zoning Ordinance Section 4-9-2(2)*, to allow a motorized vehicle service, mechanical or body repair shop, in the Restricted Industrial, *M-1 Zoning District* with the following contingencies:

1. Plans for development are compliant with all applicable zoning building and fire codes;
2. Plans for development (site plan) must be submitted within six (6) months;
3. The Special Exception will apply to the currently proposed use and will not be transferable.